

PATENT

Attorney Docket No. A-70910/DJB/VEJ
Attorney Matter No. 461124-00058
Application No. 09/936,605

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1, 8-11 and 18 are pending in the application, with claim 1 being the independent claim. Claims 2-7, 12-17, 19 and 20 have been canceled without prejudice or disclaimer. Support for the subject matter of the amended claims is contained in the application as originally filed. Applicant submits the foregoing amendments do not raise new issues and present the rejected claims in better form for consideration on appeal.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Election/Restriction

Claims 2-7, 13-17, 19 and 20 have been withdrawn by the Examiner as directed to non-elected species. Claims 2-7, 12-17, 19 and 20 have been canceled without prejudice or disclaimer.

Objections to the Drawings

The Examiner made objections to the drawings based as not showing every feature of the invention specified in the claims. Claim 12 has been canceled without prejudice or disclaimer. Applicant respectfully submits that the Examiner's objection of the drawings is rendered moot by the cancellation of claim 12.

Objections to the Specification

The Examiner made objections to the specification based on not containing section headings or an abstract. Applicant respectfully submits that the Examiner's objections of the specification are overcome by the accompanying amendment thereto. Specifically, the specification has been amended to include the relevant section headers and an Abstract has been provided.

AMENDMENT AFTER FINAL

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Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 8-12 and 18 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully submits that the rejection of claims 8-11 and 18 are overcome by the accompanying amendment thereto. Applicant respectfully submits that the Examiner's rejection of claim 12 is rendered moot by the cancellation of claim 12.

Rejections under 35 U.S.C. § 102***Claims 1, 8-9, 11-12 and 18***

The Examiner has rejected claims 1, 8-9, 11-12 and 18 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,080,123 to Stein ("the Stein patent"). The Stein patent lacks the shield of the present invention that is movable in three dimensions relative to a shielding assembly, as is called for by independent claim 1.

The Stein patent does not disclose such a feature. Instead, the Stein patent merely discloses a sun shield assembly having a canopy 14 mounted on a support beam 50, which in turn, is provided with vertical supports 52 and 53. *See* FIG. 1. Adjustment of tethers 60, 62, 64 and 66 allow for adjustment of the canopy. *See*, e.g., column 3, lines 52 et seq.

The Stein patent, however, fails to teach or suggest moving a shield (i.e., canopy 14) in three dimensions. Instead, canopy 14 is fixed relative to the assembly. In particular, once the canopy 14 is mounted on support beam 50 (e.g., once batten pocket 30 receives support beam 50), the canopy is not movable in three dimensions relative to support beam 50. At best, the canopy may slide a limited distance along the support beam (e.g., batten pocket 30 along support beam 50), in which case, canopy 15 is only movable in one dimension with respect to the shielding assembly.

For at least these reasons, Applicant respectfully submits that the Stein patent does not anticipate presently amended claim 1. Applicant submits that claims 8, 9, 11 and 18, which depend from claim 1, are allowable over the cited art for at least the same reason noted above.

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Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that dependent claim 10 is allowable for at least the same reasons as independent claim 1 above.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 461124-00058; Docket No. A-70910/DJB/VEJ).

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Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date:

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By:



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